

August 11, 2002

James P. Mayer, Executive Director
Little Hoover Commission
925 L Street Suite 805
Sacramento, CA 95814

RE: Recommendations: **Standards, Open Juvenile Courtrooms, Citizen Review Boards**

Dear Mr. Mayer,

Thank you very much for inviting our organization to provide input regarding the pace and direction of reform of the California foster care system as a result of the 1999 Little Hoover Commission Report. We are updating the email we sent to you on August 4, after review by other stakeholders and our attorney.

Progress To Date

We were pleased with the scope and depth of the 1999 report and believe that significant progress is being made. Specifically, in the past year our organization has received somewhat fewer reports of children being placed inappropriately in foster care when there is a non-abusive protective parent or other safe relative available to care for the child. This should result in improved allocation of resources. Likewise, we find that local child protective services has been careful to remove children from dangerous homes, resulting in fewer injuries to children, as noted by UC Davis Medical Center at a recent Sacramento Board of Supervisors' meeting. Despite a recent Supreme Court decision that may impact the definition of child abuse, we trust our Health and Human Services staff will continue to assertively protect children from danger.

Work Remaining

We believe important work still remains to be done, and recommend three critical directions for the Little Hoover Commission and the California Legislature, in order to improve outcomes for children and families.

1. **Uniform Standards.** We recommend precise, uniform written standards throughout California regarding removal of children from their families, including:
 - a) A standard **curriculum** and manual for training interviewers, including standards for building rapport when interviewing children.
 - b) **Specificity** in describing appropriate foster care placements, including the use of examples of common situations. Removing a child can cause irreversible damage by breaking attachment bonds and must be done with caution.
 - Children are removed only when there are allegation that the parent has perpetrated criminal behavior.
 - When there is a parent who is trying to protect the child, social services should be used to assist that parent in protecting the child.
 - Removal of the child from a non-abusive parent is damaging to the child, and should be avoided.

- c) Standard **protocols** for removing a child from the home:
- A written **narrative** describing the exact reasons the child is removed from the home, to be signed, dated, and provided to the parents at the time of removal of the child along with the parents' rights and remedies. An ombudsman outside the agency would assist families.
 - Videotaped child **interviews**, using multi-disciplinary interview centers whenever possible.
 - If the home is alleged to be unsafe, **photographs** provided to the family and court.
- d) Direct **consultation** with the child by juvenile and family court judicial officers, who must consider the **child's wishes for placement as the most significant factor** (unless the child requests placement with a person whom the child reported as a sexual offender, or with a person for whom there is compelling evidence of physical danger.)
2. **Open Juvenile Courtrooms**. We recommend opening all juvenile court hearings to the public, as Oregon and other states have done. Although the decision to close juvenile court hearings to protect the identity of juveniles was well-intended, closed courtrooms have resulted in disturbing unintended consequences. Decisions regarding children's lives and safety are made without the benefit of public scrutiny, resulting in due process violations. Confidentiality issues need to be addressed, (for example, the identity of the child can be protected by using first name and last initial, as done in other civil cases.)
3. **Citizen Review Boards**. Most importantly, we recommend establishing local Citizen Review Boards to review case plans for children removed by juvenile or family court on a quarterly basis. We recommend that members be selected annually from the jury pool (to eliminate favoritism) and receive standardized training. Professionals would be available for consultation, as needed.

Despite budgetary constraints, Oregon has maintained a volunteer Citizen Review Board process for the past decade that has resulted in improved outcomes and fewer problems in the child welfare system. For further information, please contact Nancy Miller, Oregon Judicial Department, Salem Administrative Office, 1163 State Street, Salem, Oregon 97310, 503-986-5861. Attached is copy of the Oregon law.

Thank you for helping California reform the foster care system to assure that children will be placed appropriately in foster care and benefit from that placement.

Sincerely,

Connie Valentine, Board President
Jean Travis, Board Treasurer

Cc: Toby Ewing, Project Manager
Michael Alpert, Chairman of the Board
Charles Poochigian, Senator
John Vasconcellos, Senator
Juan Vargas, Assemblymember
Deborah Ortiz, Senator
Darrell Steinberg, Assemblymember
Martha Escutia, Senator
Sheila Kuehl, Senator

Dion Aroner, Assemblymember

Alan Watahara, California Partnership for Children

Melissa Knight Fine, Legislative Coalition to Prevent Child Abuse